

Meeting: Licensing Sub-Committee
Date: 18 June 2013
Subject: Application for Review of a Premises Licence under The Licensing Act 2003 at Best One Store, 25 Kitelands Road, Biggleswade SG18 8NX
Report of: Head of Public Protection
Summary: The report provides information so that the Licensing Sub Committee can determine the appropriate action to take with regard to the premises licence.

Advising Officer: Marcel Coiffait, Director of Community Services
Contact Officer: Jo Borthwick, Service Manager Public Protection
Function of: Licensing Committee of a licensing authority
Public/Exempt: Public
Wards Affected: Biggleswade South
Ward Councillors Cllr David J Lawrence, Cllr Tim Woodward
Applicant Tim Argent (Trading Standards Senior Enforcement Officer)
Premises Licence Holder Mrs Darshan Kaur Sohal
Designated Premises Supervisor Mrs Darshan Kaur Sohal
Agent for premises licence holder
Reason for consideration by Sub-Committee Review application from responsible authority
Recommended decisions: **The sub-committee determines the application in accordance with the Statutory Guidance issued under s182 of the Licensing Act 2003, our Licensing Policy and the information contained within this report.**
That, having regard to the application and relevant representations, the sub-committee takes such of the steps mentioned below as it considers necessary for the promotion of the licensing objectives.
That the sub-committee provides the reasons for its decision

CORPORATE IMPLICATIONS

Council Priorities:

- Promote health and wellbeing and protecting the vulnerable.

Financial:

1. There are no direct financial implications for the Council.

Legal:

2. Licensing applications are considered pursuant to specific legislation, explained within the report.
3. Any decision made by the Sub-Committee could be the subject of an appeal to the Magistrates Court by the license applicant or by an objector to the application.

Risk Management:

4. All Council members are aware that any licensing matter decision which is unreasonable or unlawful could be open to challenge and could result in reputational damage and potential financial penalty.
5. The report details the options available to the Sub-Committee in determining the application/s and recommends a decision/s which could be reached. Any decision taken by the Sub-Committee could be the subject of an appeal to the Magistrates Court.

Staffing (including Trades Unions):

6. Not Applicable.

Equalities/Human Rights:

7. To ensure that any decision does not unfairly discriminate, public authorities must be rigorous in reporting to Members the outcome of an equality impact assessment and the legal duties.
8. Public Authorities must ensure that decisions are made in a way which minimises unfairness and without a disproportionately negative effect on people from different ethnic groups, disabled people, women and men. It is important that Councillors are aware of this duty before they take a decision.
When decisions are made, decision makers must have the relevant data, including the results of equality impact assessment, and of consultation and involvement, to ensure they reach an informed decision.

Public Health

9. All licensing applications are sent to Health as a Responsible Authority they have the opportunity to make representations in relation to the four licensing objectives.

Community Safety:

10. The Sub-Committee is required under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and is reminded of the Council's responsibility to co-operate in the reduction of crime and disorder in Central Bedfordshire.

Sustainability:

11. Not applicable.

Procurement:

12. Not applicable.

Location of the Premises

13. A location map of the premises is included at Appendix A

The Current Licence

14. The current licence permits the sale of alcohol from 08.00hrs to 23.00hrs Monday to Saturday, and from 10.00hrs to 22.30hrs on Sunday

Details of the present application

15. This is an application by Tim Argent, Trading Standards Senior Enforcement Officer to review the premises licence (Appendix B), which contains all the relevant information required to determine the application.

Representations

16. No other representations have been received.
17. Other Responsible Authorities have made no representations concerning the review application

Application Guidance

18. In accordance with the provisions of the Licensing Act 2003 and the Council's scheme of delegation, all applications for review of a licence must be determined by a sub-committee.
19. When determining the application, Members should only consider issues, which relate to the relevant licensing objective, which in this case is:
- The Protection of children from harm
20. Members' attention is drawn to the Council's Licensing Policy, in particular section 7.0. Licensing Functions. The relevant licensing objective '**The Protection of Children from harm**' can be viewed at section 7.4. on pages 17 & 18
21. The sub committee must have regard to the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003 as amended in October 2012. In particular Sections 2.25 to 2.34 on pages 15 & 16 relating to '**The Protection of Children from harm**' objective

22. Members should not allow themselves to pre-determine the application or to be prejudiced in favour or opposed to the licence and shall only determine the application having had an opportunity to consider all relevant facts.

Options

23. Take no action (this may include an informal warning)
24. To modify the licence to include conditions that it considers are necessary for the promotion of the licensing objectives – this includes altering or omitting any existing condition (including a reduction of hours) within the operating schedule and/or adding any new conditions.
25. To exclude a licensable activity from the scope of the licence.
26. To remove the Designated Premises Supervisor from the licence.
27. To suspend the licence for a period not exceeding three months.
28. To revoke the licence.

Appendices:

- Appendix A Location map
- Appendix B Application for review

Background Papers: (open to public inspection)

- The Licensing Act 2003
- Central Bedfordshire Council Licensing Policy
(on website)